



General Assembly

February Session, 2008

***Amendment***

LCO No. 5217

\*SB0020505217SD0\*

Offered by:

SEN. SLOSSBERG, 14<sup>th</sup> Dist.

To: Subst. Senate Bill No. 205

File No. 20

Cal. No. 51

***"AN ACT CONCERNING THE IMPLEMENTATION OF STATE CONTRACTING REFORM."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) Within available appropriations,  
4 sections 1 to 15, inclusive, 20 to 32, inclusive, and 41 to 47, inclusive, of  
5 public act 07-1 of the September special session shall be effective  
6 October 1, 2008.

7 Sec. 2. (*Effective from passage*) Within available appropriations,  
8 section 16 of public act 07-1 of the September special session shall be  
9 effective January 1, 2009.

10 Sec. 3. (*Effective from passage*) Within available appropriations,  
11 sections 18 and 33 to 40, inclusive, of public act 07-1 of the September  
12 special session shall be effective April 1, 2010.

13 Sec. 4. Section 4e-1 of the 2008 supplement to the general statutes is

14 repealed and the following is substituted in lieu thereof (*Effective*  
15 *October 1, 2008*):

16 For the purposes of sections 4e-1 to 4e-47, inclusive, as amended by  
17 this act:

18 (1) "Best value selection" means a contract selection process in which  
19 the award of a contract is based on a combination of quality, timeliness  
20 and cost factors;

21 (2) "Bid" means an offer, submitted in response to an invitation to  
22 bid, to furnish supplies, materials, equipment, construction or  
23 contractual services to a state contracting agency under prescribed  
24 conditions at a stated price;

25 (3) "Bidder" means a business submitting a bid in response to an  
26 invitation to bid by a state contracting agency;

27 (4) "Business" means any individual or sole proprietorship,  
28 partnership, firm, corporation, trust, limited liability company, limited  
29 liability partnership, joint stock company, joint venture, association or  
30 other legal entity through which business for profit or not-for-profit is  
31 conducted;

32 (5) "Competitive bidding" means the submission of prices by a  
33 business competing for a contract to provide supplies, materials,  
34 equipment or contractual services to a state contracting agency, under  
35 a procedure in which the contracting authority does not negotiate  
36 prices, as set forth in statutes and regulations concerning procurement;

37 (6) "Consultant" means (A) any architect, professional engineer,  
38 landscape architect, land surveyor, accountant, interior designer,  
39 environmental professional or construction administrator, who is  
40 registered or licensed to practice such person's profession in  
41 accordance with the applicable provisions of the general statutes, (B)  
42 any planner or any environmental, management or financial specialist,  
43 or (C) any person who performs professional work in areas including,

44 but not limited to, educational services, medical services, information  
45 technology and real estate appraisal;

46 (7) "Consultant services" means those professional services rendered  
47 by a consultant and any incidental services that a consultant and those  
48 in the consultant's employ are authorized to perform;

49 (8) "Contract" or "state contract" means an agreement or a  
50 combination or series of agreements between a state contracting  
51 agency or quasi-public agency and a business for:

52 (A) A project for the construction, reconstruction, alteration,  
53 remodeling, repair or demolition of any public building, public work,  
54 mass transit, rail station, parking garage, rail track or airport;

55 (B) Services, including, but not limited to, consultant and  
56 professional services;

57 (C) The acquisition or disposition of personal property;

58 (D) The provision of goods and services, including, but not limited  
59 to, the use of purchase of services contracts and personal service  
60 agreements;

61 (E) The provision of information technology, state agency  
62 information system or telecommunication system facilities, equipment  
63 or services;

64 (F) A lease; or

65 (G) A licensing agreement;

66 "Contract" or "state contract" does not include a contract between a  
67 state agency or a quasi-public agency and a political subdivision of the  
68 state;

69 (9) "Term contract" means the agreement reached when the state  
70 accepts a bid or proposal to furnish supplies, materials, equipment or  
71 contractual services at a stated price for a specific period of time in

72 response to an invitation to bid;

73 (10) "Contract risk assessment" means (A) the identification and  
74 evaluation of loss exposures and risks, including, but not limited to,  
75 business and legal risks associated with the contracting process and  
76 the contracted goods and services, and (B) the identification,  
77 evaluation and implementation of measures available to minimize  
78 potential loss exposures and risks;

79 (11) "Contractor" means any business that is awarded, or is a  
80 subcontractor under, a contract or an amendment to a contract with a  
81 state contracting agency under statutes and regulations concerning  
82 procurement, including, but not limited to, a small contractor, minority  
83 business enterprise, an individual with a disability, as defined in  
84 section 4a-60 of the 2008 supplement to the general statutes, or an  
85 organization providing products and services by persons with  
86 disabilities;

87 (12) "Contractual services" means the furnishing of labor by a  
88 contractor, not involving the delivery of a specific end product other  
89 than reports, which are merely incidental to the required performance  
90 and includes any and all laundry and cleaning service, pest control  
91 service, janitorial service, security service, the rental and repair, or  
92 maintenance, of equipment, machinery and other state-owned  
93 personal property, advertising and photostating, mimeographing,  
94 human services and other service arrangements where the services are  
95 provided by persons other than state employees. "Contractual services"  
96 includes the design, development and implementation of technology,  
97 communications or telecommunications systems or the infrastructure  
98 pertaining thereto, including hardware and software and services for  
99 which a contractor is conferred a benefit by the state, whether or not  
100 compensated by the state. "Contractual services" does not include  
101 employment agreements or collective bargaining agreements;

102 (13) "Data" means recorded information, regardless of form or  
103 characteristic;

104 (14) "Vote of two-thirds of the members of the board present and  
105 voting" means a vote by the State Contracting Standards Board that is  
106 agreed upon by two-thirds of the members of the State Contracting  
107 Standards Board present and voting for a particular purpose and that  
108 includes the vote of one member of the board appointed by a  
109 legislative leader;

110 (15) "Electronic" means electrical, digital, magnetic, optical,  
111 electromagnetic, or any other similar technology;

112 (16) "Emergency procurement" means procurement by a state  
113 contracting agency, quasi-public agency, as defined in section 1-120,  
114 judicial department or constituent unit of higher education that is  
115 made necessary by a sudden, unexpected occurrence that poses a clear  
116 and imminent danger to public safety or requires immediate action to  
117 prevent or mitigate the loss or impairment of life, health, property or  
118 essential public services or in response to a court order, settlement  
119 agreement or other similar legal judgment;

120 (17) "Equipment" means personal property of a durable nature that  
121 retains its identity throughout its useful life;

122 (18) "Materials" means items required to perform a function or used  
123 in a manufacturing process, particularly those incorporated into an  
124 end product or consumed in its manufacture;

125 (19) "Nonprofit agency" means any organization that is not a for-  
126 profit business under 501(c)(3) of the Internal Revenue Code of 1986, or  
127 any subsequent corresponding internal revenue code of the United  
128 States, as from time to time amended, makes no distribution to its  
129 members, directors or officers and provides services contracted for by  
130 (A) the state, or (B) a nonstate entity;

131 (20) "Professional services" means any type of service to the public  
132 that requires that members of a profession rendering such service  
133 obtain a license or other legal authorization as a condition precedent to  
134 the rendition thereof, including, but not limited to, the professional

135 services of architects, professional engineers, or jointly by architects  
136 and professional engineers, landscape architects, certified public  
137 accountants and public accountants, land surveyors, attorneys-at-law,  
138 psychologists, licensed marital and family therapists, licensed  
139 professional counselors and licensed clinical social workers as well as  
140 such other professional services described in section 33-182a;

141 (21) "Privatization contract" means an agreement or series of  
142 agreements between a state contracting agency and a person or entity  
143 in which such person or entity agrees to provide services that are  
144 substantially similar to and in lieu of services provided, in whole or in  
145 part, by state employees, other than contracts with a nonprofit agency,  
146 which are in effect as of [January 1, 2009] October 1, 2008, and which  
147 through a renewal, modification, extension or rebidding of contracts  
148 continue to be provided by a nonprofit agency;

149 (22) "Procurement" means contracting for, buying, purchasing,  
150 renting, leasing or otherwise acquiring or disposing of, any supplies,  
151 services, including but not limited to, contracts for purchase of services  
152 and personal service agreements, interest in real property, or  
153 construction, and includes all government functions that relate to such  
154 activities, including best value selection and qualification based  
155 selection;

156 (23) "Proposer" means a business submitting a proposal to a state  
157 contracting agency in response to a request for proposals or other  
158 competitive sealed proposal;

159 (24) "Public record" means a public record, as defined in section 1-  
160 200;

161 (25) "Qualification based selection" means a contract selection  
162 process in which the award of a contract is primarily based on an  
163 assessment of contractor qualifications and on the negotiation of a fair  
164 and reasonable price;

165 (26) "Regulation" means regulation, as defined in section 4-166;

166 (27) "Request for proposals" means all documents, whether attached  
167 or incorporated by reference, utilized for soliciting proposals;

168 (28) "State contracting agency" means any executive branch agency,  
169 board, commission, department, office, institution or council. "State  
170 contracting agency" does not include the judicial branch, the legislative  
171 branch, the offices of the Secretary of the State, the State Comptroller,  
172 the Attorney General, the State Treasurer, with respect to their  
173 constitutional functions, any state agency with respect to contracts  
174 specific to the constitutional and statutory functions of the office of the  
175 State Treasurer. For the purposes of section 4e-16 of the 2008  
176 supplement to the general statutes, state contracting agency includes  
177 any constituent unit of the state system of higher education;

178 (29) "Subcontractor" means a subcontractor of a contractor for work  
179 under a contract or an amendment to a contract;

180 (30) "Supplies" means any and all articles of personal property,  
181 including, but not limited to, equipment, materials, printing, insurance  
182 and leases of real property, excluding land or a permanent interest in  
183 land furnished to or used by any state agency;

184 (31) "Infrastructure facility" means a building, structure or network  
185 of buildings, structures, pipes, controls and equipment that provide  
186 transportation, utilities, public education or public safety services.  
187 Infrastructure facility includes government office buildings, public  
188 schools, jails, water treatment plants, distribution systems and  
189 pumping stations, waste water treatment plants, collections systems  
190 and pumping stations, solid waste disposal plants, incinerators,  
191 landfills, and related facilities, public roads and streets, highways,  
192 public parking facilities, public transportation systems, terminals and  
193 rolling stock, rail, air and water port structures, terminals and  
194 equipment; and

195 (32) "State employee" means state employee, as defined in section 5-  
196 154 and, for purposes of section 4e-16 of the 2008 supplement to the  
197 general statutes, state employee includes an employee of any state

198 contracting agency.

199 Sec. 5. Section 4e-10 of the 2008 supplement to the general statutes is  
200 repealed and the following is substituted in lieu thereof (*Effective*  
201 *October 1, 2008*):

202 (a) On or before [July] May 1, 2010, the board shall submit to the  
203 Governor and the General Assembly such legislation as is necessary to  
204 permit state contracting agencies, not including quasi-publics,  
205 institutions of higher education, and municipal procurement processes  
206 utilizing state funds, to carry out their functions under statutes and  
207 regulations concerning procurement.

208 (b) On or before [July] May 1, 2011, the board shall submit to the  
209 Governor and the General Assembly such legislation as is necessary to  
210 apply the provisions of statutes concerning procurement to constituent  
211 units of the state system of higher education. Concomitantly, the board  
212 shall submit such additional legislation as is necessary to apply the  
213 provisions of statutes and regulations concerning privatization and  
214 procurement to quasi-public agencies.

215 (c) On or before [July] May 1, 2012, the board shall submit to the  
216 Governor and the General Assembly such legislation as is necessary to  
217 apply the provisions of statutes and regulations concerning  
218 procurement to the municipal procurement processes utilizing state  
219 funds.

220 Sec. 6. Section 4e-11 of the 2008 supplement to the general statutes is  
221 repealed and the following is substituted in lieu thereof (*Effective*  
222 *October 1, 2008*):

223 (a) The board shall provide assistance to the Secretary of the State,  
224 Comptroller, Treasurer and Attorney General to develop best  
225 procurement practices specific to the constitutional and statutory  
226 functions of each office and consistent with statutes and regulations  
227 concerning procurement.



228 (b) Each of the officers specified in subsection (a) of this section shall  
229 adopt a code of procurement practices on or before [June] April 1,  
230 2011.

231 Sec. 7. Section 4e-12 of the 2008 supplement to the general statutes is  
232 repealed and the following is substituted in lieu thereof (*Effective*  
233 *October 1, 2008*):

234 (a) On or before [February 1, 2011] December 1, 2010, the judicial  
235 branch and the legislative branch shall each prepare a procurement  
236 code applicable to contracting expenditures, including, but not limited  
237 to, expenditures: (1) Involving contracting and procurement processes  
238 for purchasing or leasing of supplies, materials or equipment,  
239 consultant or consultant services, personal service agreements or  
240 purchase of service agreements; and (2) relating to contracts for the  
241 renovation, alteration or repair of any judicial branch or legislative  
242 branch facility in accordance with section 4b-1.

243 (b) The procurement codes described in subsection (a) of this section  
244 shall be designed to: (1) Establish uniform contracting standards and  
245 practices; (2) simplify and clarify contracting standards and  
246 procurement policies and practices, including, but not limited to,  
247 procedures for competitive sealed bids, competitive sealed proposals,  
248 small purchases, sole source procurements, emergency procurements  
249 and special procurements; (3) ensure the fair and equitable treatment  
250 of all businesses and persons who deal with the procurement system;  
251 (4) include a process to maximize the use of small contractors and  
252 minority business enterprises; (5) provide increased economy in  
253 procurement activities and maximize purchasing value to the fullest  
254 extent possible; (6) ensure that the procurement of supplies, materials,  
255 equipment, services, real property and construction is obtained in a  
256 cost-effective and responsive manner; (7) include a process to ensure  
257 contractor and judicial branch or legislative branch accountability; and  
258 (8) provide a process for competitive sealed bids, competitive sealed  
259 proposals, small purchases, sole source procurements, emergency  
260 procurements, special procurements, best value selection, qualification

261 based selection and the conditions for their use.

262 (c) On or before [February 1, 2011] December 1, 2010, the judicial  
263 branch shall submit such procurement code for review and approval to  
264 the joint standing committee of the General Assembly having  
265 cognizance of matters relating to the judiciary.

266 Sec. 8. Section 4e-14 of the 2008 supplement to the general statutes is  
267 repealed and the following is substituted in lieu thereof (*Effective*  
268 *October 1, 2008*):

269 On and after [June] April 1, 2010, all state contracts of each state  
270 contracting agency that take effect on or after [June] April 1, 2010, shall  
271 contain provisions to ensure accountability, transparency and results  
272 based outcomes, as prescribed by the State Contracting Standards  
273 Board. On and after [June] April 1, 2010, all state contracts of the  
274 legislative branch and the judicial branch that take effect on or after  
275 [June] April 1, 2010, shall contain provisions to ensure accountability,  
276 transparency and results based outcomes.

277 Sec. 9. Section 4e-17 of the 2008 supplement to the general statutes is  
278 repealed and the following is substituted in lieu thereof (*Effective*  
279 *October 1, 2009*):

280 (a) Except as otherwise provided, the provisions of sections [4e-16]  
281 4e-17 to 4e-47, inclusive, as amended by this act, shall apply to all  
282 contracts solicited or entered into by state contracting agencies after  
283 [June] April 1, 2010.

284 (b) Except as otherwise provided, the provisions of sections 4e-16 to  
285 4e-47, inclusive, as amended by this act, shall apply to every  
286 expenditure of public funds by any state contracting agency,  
287 irrespective of their source, involving any state contracting and  
288 procurement processes, including, but not limited to, leasing and  
289 property transfers, purchasing or leasing of supplies, materials or  
290 equipment, consultant or consultant services, personal service  
291 agreements, purchase of service agreements or privatization contracts,

292 as defined in section 4e-1, as amended by this act, and, relating to  
293 contracts for the construction, reconstruction, alteration, remodeling,  
294 repair or demolition of any public building, bridge or road.

295 (c) Nothing in sections 4e-16 to 4e-47, inclusive, as amended by this  
296 act, shall be construed to require the application of procurement  
297 statutes or regulations to a procurement that involves the expenditure  
298 of federal assistance or federal contract funds if federal law provides  
299 procurement procedures applicable to the expenditure of such funds,  
300 to the extent such federal procedures are inconsistent with state  
301 procurement statutes or regulations.

302 Sec. 10. Section 4e-19 of the 2008 supplement to the general statutes  
303 is repealed and the following is substituted in lieu thereof (*Effective*  
304 *August 1, 2009*):

305 (a) All purchases of, and contracts for, supplies, materials,  
306 equipment and contractual services by any state contracting agency,  
307 except purchases and contracts made pursuant to the provisions of  
308 section 4e-23 of the 2008 supplement to the general statutes, as  
309 amended by this act, shall be awarded by one of the following  
310 methods, unless otherwise authorized by law:

311 (1) Competitive sealed bidding;

312 (2) Competitive sealed proposals;

313 (3) Small purchase procedure;

314 (4) Sole source procurement;

315 (5) Emergency procurements; or

316 (6) Waiver of bid or proposal requirement for extraordinary  
317 conditions.

318 (b) Not later than ~~June~~ April 1, 2010, the State Contracting  
319 Standards Board shall adopt regulations, in accordance with the

320 provisions of chapter 54, to define each of the methods listed in  
321 subsection (a) of this section, establish the circumstances in which each  
322 such method shall be used by state contracting agencies, and establish  
323 the processes and criteria by which purchases and contracts shall be  
324 awarded in accordance with each such method.

325 Sec. 11. Section 4e-20 of the 2008 supplement to the general statutes  
326 is repealed and the following is substituted in lieu thereof (*Effective*  
327 *October 1, 2008*):

328 (a) Not later than [June] April 1, 2010, the State Contracting  
329 Standards Board shall adopt regulations, in accordance with the  
330 provisions of chapter 54, specifying the procedure for issuing  
331 invitations for bids which shall include the required elements of an  
332 invitation for bids, the process for opening of bids, and criteria for the  
333 evaluation and award of bids.

334 (b) Not later than [June] April 1, 2010, the State Contracting  
335 Standards Board, in consultation with the Commissioner of  
336 Administrative Services, shall adopt regulations, in accordance with  
337 the provisions of chapter 54, specifying the circumstances in which  
338 contracts and purchase orders, in an amount in excess of fifty thousand  
339 dollars, may be awarded by a method of source selection other than  
340 competitive sealed bidding.

341 Sec. 12. Section 4e-21 of the 2008 supplement to the general statutes  
342 is repealed and the following is substituted in lieu thereof (*Effective*  
343 *October 1, 2008*):

344 (a) Not later than [January 1, 2010] October 1, 2009, the State  
345 Contracting Standards Board, in consultation with the Department of  
346 Administrative Services, shall adopt regulations to establish small  
347 purchase procedures for procurements that do not exceed fifty  
348 thousand dollars. Such regulations shall include a prohibition on the  
349 artificial division of a procurement in order to make use of such small  
350 procurement procedures.

351 (b) The State Contracting Standards Board, in consultation with the  
352 Commissioner of Administrative Services, may determine that a state  
353 contracting agency has artificially divided procurement requirements  
354 so as to constitute a small purchase under this section and, upon such  
355 determination shall prohibit the state contracting agency from utilizing  
356 such small purchase procedures.

357 (c) The State Contracting Standards Board, in consultation with the  
358 Commissioner of Administrative Services, may waive the requirement  
359 of competitive bidding or competitive negotiation in the case of minor,  
360 nonrecurring or emergency purchases of ten thousand dollars or less  
361 in amount.

362 Sec. 13. Section 4e-22 of the 2008 supplement to the general statutes  
363 is repealed and the following is substituted in lieu thereof (*Effective*  
364 *October 1, 2008*):

365 Not later than [June] April 1, 2010, the State Contracting Standards  
366 Board, in consultation with the Commissioner of Administrative  
367 Services, shall adopt regulations, in accordance with the provisions of  
368 chapter 54, specifying the circumstances in which a contract may be  
369 awarded for a supply, service or construction item without  
370 competition. Such regulations shall include, but not be limited to,  
371 situations in which an agency contracting officer states in writing that  
372 there is only one source for the required supply, service or  
373 construction item, provided sole source procurement is not permitted  
374 unless a requirement is available from only a single supplier.

375 Sec. 14. Section 4e-23 of the 2008 supplement to the general statutes  
376 is repealed and the following is substituted in lieu thereof (*Effective*  
377 *October 1, 2008*):

378 Not later than [June] April 1, 2010, the State Contracting Standards  
379 Board, in accordance with the provisions of chapter 54, shall adopt  
380 regulations establishing procedures for waiver of competitive bid or  
381 proposal requirements.

382 Sec. 15. Section 4e-24 of the 2008 supplement to the general statutes  
383 is repealed and the following is substituted in lieu thereof (*Effective*  
384 *October 1, 2008*):

385 Not later than [June] April 1, 2010, the State Contracting Standards  
386 Board, in consultation with the Commissioner of Administrative  
387 Services and any other appropriate award authority, shall adopt  
388 regulations, in accordance with the provisions of chapter 54,  
389 permitting emergency procurements when there exists a threat to  
390 public health, welfare or safety. Such emergency procurements shall be  
391 made with competition, as is practicable under the circumstances. Said  
392 regulations shall require that a written determination of the basis for  
393 the emergency and for the selection of the particular contractor be  
394 included in the contract file and transmitted to the Governor, the  
395 president pro tempore of the Senate, the majority and minority leaders  
396 of the Senate, the speaker of the House of Representatives and the  
397 majority and minority leaders of the House of Representatives.

398 Sec. 16. Section 4e-26 of the 2008 supplement to the general statutes  
399 is repealed and the following is substituted in lieu thereof (*Effective*  
400 *October 1, 2008*):

401 Not later than [June] April 1, 2010, the State Contracting Standards  
402 Board, in consultation with the Commissioner of Administrative  
403 Services, shall adopt regulations, in accordance with the provisions of  
404 chapter 54, establishing standards for the preparation, maintenance,  
405 and content of specifications for supplies, services, and construction  
406 required by the state.

407 Sec. 17. Section 4e-27 of the 2008 supplement to the general statutes  
408 is repealed and the following is substituted in lieu thereof (*Effective*  
409 *October 1, 2008*):

410 Not later than [June] April 1, 2010, the State Contracting Standards  
411 Board, in consultation with the Attorney General, shall adopt  
412 regulations, in accordance with the provisions of chapter 54, specifying  
413 the types of contracts that may be used by state contracting agencies.

414 Such regulations shall specify that a cost-reimbursement contract may  
415 be used only when a determination is made in writing by the agency  
416 procurement officer that such contract is likely to be less costly to the  
417 state than any other type or that it is impracticable to obtain the  
418 supplies, services or construction required except under such a  
419 contract.

420 Sec. 18. Section 4e-28 of the 2008 supplement to the general statutes  
421 is repealed and the following is substituted in lieu thereof (*Effective*  
422 *October 1, 2008*):

423 Not later than [June] April 1, 2010, the State Contracting Standards  
424 Board shall adopt regulations, in accordance with the provisions of  
425 chapter 54, requiring that contractors submit appropriate  
426 documentation to the appropriate state contracting agency, prior to the  
427 award of a contract, to confirm that the proposed contractor's  
428 accounting system will permit timely development of all necessary  
429 cost data in the form required by the specific contract type.

430 Sec. 19. Section 4e-41 of the 2008 supplement to the general statutes  
431 is repealed and the following is substituted in lieu thereof (*Effective*  
432 *October 1, 2008*):

433 Not later than [June] April 1, 2010, the State Contracting Standards  
434 Board shall adopt regulations, in accordance with the provisions of  
435 chapter 54, that specify the process that shall be used to procure  
436 architectural and engineering services in design-bid-build  
437 procurements, construction in design-bid-build procurements and  
438 construction management at-risk. Such regulations shall include a  
439 description of the project delivery methods.

440 Sec. 20. Section 4e-42 of the 2008 supplement to the general statutes  
441 is repealed and the following is substituted in lieu thereof (*Effective*  
442 *October 1, 2008*):

443 Not later than [June] April 1, 2010, the State Contracting Standards  
444 Board shall adopt regulations, in accordance with the provisions of

chapter 54, that require bid security for all competitive sealed bidding for construction contracts in a design-bid-build procurement when the price is estimated by the state contracting agency to exceed five hundred thousand dollars.

Sec. 21. Section 4e-43 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

Not later than ~~June~~ April 1, 2010, the State Insurance and Risk Management Board established pursuant to section 4a-19 shall adopt regulations, in accordance with the provisions of chapter 54, in consultation with the State Contracting Standards Board, that specify when a state contracting agency shall require proposers to provide appropriate errors and omissions insurance to cover architectural and engineering services under the project delivery methods established in regulations adopted pursuant to section 4e-41 of the 2008 supplement to the general statutes, as amended by this act.

Sec. 22. Section 4e-44 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

Not later than ~~June~~ April 1, 2010, the State Contracting Standards Board shall adopt regulations, in accordance with the provisions of chapter 54, to establish the process to be used to procure consultant services, and in consultation with the Attorney General, the type of contract to be used to procure such consultant services.

Sec. 23. Section 4e-45 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

With respect to infrastructure facilities, not later than ~~June~~ April 1, 2010, the State Contracting Standards Board, in consultation with the state contracting agencies and the Attorney General, shall adopt regulations, in accordance with the provisions of chapter 54, requiring



476 the inclusion in state contracts with any state contracting agency of  
477 clauses providing for adjustments in prices, time of performance,  
478 remedies, termination or other contract provisions necessary to protect  
479 the interests of the state.

480 Sec. 24. Section 4e-46 of the 2008 supplement to the general statutes  
481 is repealed and the following is substituted in lieu thereof (*Effective*  
482 *October 1, 2008*):

483 Not later than ~~[June]~~ April 1, 2010, the State Contracting Standards  
484 Board shall adopt regulations, in accordance with the provisions of  
485 chapter 54, concerning the procedure and circumstances under which  
486 a state agency may allow contract modification, change order, or  
487 contract price adjustment under a construction contract with the state  
488 in excess of fifty thousand dollars. Such regulations shall require that  
489 every contract modification, change order or contract price adjustment  
490 under a construction contract with the state in excess of fifty thousand  
491 dollars shall be subject to prior written certification by the fiscal officer  
492 of the state contracting agency or other agency responsible for funding  
493 the project or the contract, or other official responsible for monitoring  
494 and reporting upon the status of the costs of the total project budget or  
495 contract budget, as to the effect of the contract modification, change  
496 order, or adjustment in contract price on the total project budget or the  
497 total contract budget. Such regulations shall further provide that in the  
498 event the certification of the fiscal officer or other responsible official  
499 discloses a resulting increase in the total project budget or the total  
500 contract budget, the agency procurement officer shall not execute or  
501 make such contract modification, change order, or adjustment in  
502 contract price unless sufficient funds are available or the scope of the  
503 project or contract is adjusted so as to permit the degree of completion  
504 that is feasible within the total project budget or total contract budget  
505 as it existed prior to the contract modification, change order, or  
506 adjustment in contract price under consideration provided, with  
507 respect to the validity, as to the contractor, of any executed contract  
508 modification, change order, or adjustment in contract price which the  
509 contractor has reasonably relied upon, it shall be presumed that there

510 has been compliance with the provisions of this section.

511 Sec. 25. Section 4e-47 of the 2008 supplement to the general statutes  
512 is repealed and the following is substituted in lieu thereof (*Effective*  
513 *October 1, 2008*):

514 On or after [January] October 1, 2011, the State Contracting  
515 Standards Board shall adopt regulations, in accordance with the  
516 provisions of chapter 54, to apply the contracting procedures, as  
517 described in sections 4e-18 to 4e-45, inclusive, as amended by this act,  
518 to each constituent unit of the state system of higher education. Such  
519 regulations shall take into consideration circumstances and factors that  
520 are unique to such constituent units.

521 Sec. 26. (*Effective from passage*) Within available appropriations,  
522 section 17 of public act 07-1 of the September special session shall be  
523 effective October 1, 2009.

524 Sec. 27. (*Effective from passage*) Within available appropriations,  
525 section 19 of public act 07-1 of the September special session shall be  
526 effective August 1, 2009."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2008</i>	4e-1
Sec. 5	<i>October 1, 2008</i>	4e-10
Sec. 6	<i>October 1, 2008</i>	4e-11
Sec. 7	<i>October 1, 2008</i>	4e-12
Sec. 8	<i>October 1, 2008</i>	4e-14
Sec. 9	<i>October 1, 2009</i>	4e-17
Sec. 10	<i>August 1, 2009</i>	4e-19
Sec. 11	<i>October 1, 2008</i>	4e-20
Sec. 12	<i>October 1, 2008</i>	4e-21
Sec. 13	<i>October 1, 2008</i>	4e-22
Sec. 14	<i>October 1, 2008</i>	4e-23

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Sec. 15	<i>October 1, 2008</i>	4e-24
Sec. 16	<i>October 1, 2008</i>	4e-26
Sec. 17	<i>October 1, 2008</i>	4e-27
Sec. 18	<i>October 1, 2008</i>	4e-28
Sec. 19	<i>October 1, 2008</i>	4e-41
Sec. 20	<i>October 1, 2008</i>	4e-42
Sec. 21	<i>October 1, 2008</i>	4e-43
Sec. 22	<i>October 1, 2008</i>	4e-44
Sec. 23	<i>October 1, 2008</i>	4e-45
Sec. 24	<i>October 1, 2008</i>	4e-46
Sec. 25	<i>October 1, 2008</i>	4e-47
Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>from passage</i>	New section